ARTICLE 9 M-1 MANUFACTURING AND M-2 HEAVY MANUFACTURING DISTRICTS

Section 9.01. Statement of Purpose.

9.01.01 **M-1, Manufacturing District:** The M-1, Manufacturing District is established to provide sites for research and high technology uses of a restricted, light industrial nature. The prime characteristics of this district are the low intensity of land coverage and the absence of nuisance factors. Permitted uses shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lots or properties such as, but not limited to, vibration, sound, electromechanical disturbances, radiation, air or water pollution, dust, or emission of odorous toxic or nontoxic matter, nor create a potential for explosion or other hazard.

In certain limited locations medium intensity, industrial uses are permitted in locations that do not encroach into areas or districts where they would be incompatible. All activities within the M-1 Manufacturing District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of that activity.

9.01.02 **M-2, Heavy Manufacturing District:** The M-2, Heavy Manufacturing District is established to provide for higher intensity manufacturing, assembling and fabricating uses, including large scale or specialized industrial operations requiring truck and/or railroad access and public utility services. Provision of this District ensures that these essential industrial facilities are kept from encroaching in areas or Districts where they would be incompatible. All activities carried on within the M-2 Heavy Manufacturing District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of that activity.

Section 9.02 Uses Permitted.

9.02.01 **Schedule of Uses:** The following uses of land and structures shall be permitted in the various manufacturing districts as provided for in Table 9.01. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by a "P" in the column below by right with approval by the Planning Commission in accordance with the procedures and requirements of Article 12, Site Plan Review Procedures and Requirements. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by "S" by special land use approval by the Planning Commission in accordance with the procedures and requirements of Article 12, Site Plan Review Procedures and Requirements and Article 13, Special Land Uses. A notation of "--" indicates that the use is not permitted within the district. Where conditions apply to a use, the Section references containing such conditions are indicated in the right column.

| District Uses Office and R&D Headquarters of business offices for commercial and industrial uses which conduct the principal firm's activity outside of the district Administrative and professional offices limited to: 1) offices which are associated with any permitted business use, or, 2) offices which do not attract nor are primarily dependent upon business customer's visiting the office. Permitted offices include, but are not limited to, corporate offices, regional offices, general offices, and such professional offices as accountants, attorneys, engineers, architects, and planners Pilot plant operations and testing activities Blueprinting, photostating, photoengraving, printing, publishing, and bookbinding services Industries providing services, as opposed to manufacturing uses, such as the repair and maintenance of appliances or component parts, tooling, printers, testing shops, small machine shops, and shops engaged in the repair, maintenance, and servicing of such items Research activities, including research laboratories, developmental laboratories, and compatible light manufacturing such as, but not limited to, the following: biochemical, clerotroics, film and photography, medical and dental, metallurgy, pharmaceutical, or x-ray Laboratories including experimental, film, and testing Manufacturing Electrical and computer equipment components, devices and systems manufacturing involving the following litems' semiconductors, communication, navigation, guidance and control equipment, data processing equipment, including computer software, glass edging and silvering equipment, applies and art equipment, and untraviolet equipment, optical devices and equipment, radar, infrared, and ultraviolet equipment, optical devices and equipment, of filing and labeling machinery Electric or neon signs, light sheet metal products manufacturing, including beating and eventiating equipment, one filing and labeling machinery Electric or neon signs, light sheet metal products manufacturing, scientific, measuring, optic, med | Table 9.01 Industrial Districts Schedule of Uses | | | | | | | |
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| Lumber and planning mills S P | | | | | | | | |
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| | Slaughter houses | S | S | (a) | | | | |

| Storage and Shipping Uses involving industries engaged in the distribution and/or storage or warehousing of products relating to the permitted uses Wholesale and retail outlets Mini-storage and self storage warehouses Warehouses, cartage businesses Truck or railroad terminals, including transfer and truck storage facilities Construction Contractors and Products Contractor establishments without outdoor building materials storage Outdoor storage yards for construction contractors' equipment and supplies, building materials, sand, gravel or lumber Asphalt plants and cement batch plants | P S P P S S | P P P P S S | (b) |
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| Uses involving industries engaged in the distribution and/or storage or warehousing of products relating to the permitted uses Wholesale and retail outlets Mini-storage and self storage warehouses Warehouses, cartage businesses Truck or railroad terminals, including transfer and truck storage facilities Construction Contractors and Products Contractor establishments without outdoor building materials storage Outdoor storage yards for construction contractors' equipment and supplies, building materials, sand, gravel or lumber Asphalt plants and cement batch plants | S P P S | P P P P S | |
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| Asphalt plants and cement batch plants | | S | |
| | | Б | |
| Automobile Repair | | | |
| Automobile repair establishments including body shops, rust proofing, | | | (c) |
| undercoating and painting shops | S | P | (C) |
| Junkyards and places so called, for the dismantling, wrecking, and disposing of | | | (d) |
| junk and/or refuse material and agricultural and automotive vehicles | | S | (u) |
| Utilities | I . | | |
| Public utility buildings, telephone exchange buildings, electric transformer stations | | | |
| and substations, gas regulator stations, warehouses including storage yards, water | P | P | 1 |
| and gas tanks and holders | - | - | 1 |
| Wind energy conversion system (WECS) | S | S | Sec. 3.16 |
| Wireless communication facilities | S | S | Sec. 3.17 |
| Heating and electric power generation plants and all accessory uses; coal, and fuel | | | |
| yards and water supply and waste treatment facilities, in accordance with applicable | S | S | 1 |
| state and federal regulations | | | I |
| Power generating plants | | P | |
| Conversation, incineration and/or composting waste disposal operations | | S | |
| Extraction | | u. | |
| Mining, excavation or other removal of sand, earth, minerals or other materials | | C | |
| naturally found in the earth | | S | 1 |
| Petroleum or other inflammable liquid storage, including fuel storage tank farms | | S | |
| Miscellaneous | | | |
| Adult Entertainment Uses, | S | S | (e) |
| Any other use which is determined by the Board of Appeals to be of the same | C | C | |
| general character as the above permitted principle and special approval uses | S | S | I |
| Accessory buildings provided that they shall be located as required in ARTICLE 3 | P | P | |
| GENERAL PROVISIONS | Γ | r | <u> </u> |
| Temporary uses, buildings and structures subject to the provisions of ARTICLE 3, | P | Р | |
| GENERAL PROVISIONS | Γ | Г | <u> </u> |
| Commercial recreation | S | S | (f) |
| Billboards, off premise signs | S | S | |

9.02.02 **Standards:** The following standards shall apply to the above noted uses:

- (a) **Slaughter Houses:** Slaughter houses shall only be permitted when operating in accordance with the provisions of the Michigan Department of Agriculture and the Monroe County Health Department for on-site waste treatment and water supply.
- (b) **Production of Fuels:** Production of fuels shall only be permitted subject to the Crude Oil Windfall Profit Tax Act of 1980 (P.L. 96-233), which regulates and encourages the production of alcohol fuel through the Bureau of Alcohol, Tobacco and Firearms,

Department of Treasury, and in accordance with applicable state and/or national fire code regulations.

- (c) **Automobile Repair:** In addition to other regulations set forth in this Chapter, all automobile repair facilities shall conform to the following regulations:
 - (1) The entire area used for vehicular service shall be paved.
 - (2) Hydraulic hoists, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
 - Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
 - (4) Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
 - (5) Sales of used cars and other motorized vehicles shall be prohibited.
 - (6) Minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are awaiting service or pick-up.
 - (7) Automobile service stations shall not be located nearer than one hundred (100) feet to a school, church, public park or auditorium, measured at the property line.
- (d) **Junkyards:** Junkyards and places so called, for the dismantling, wrecking, and disposing of junk and/or refuse material and agricultural and automotive vehicles, may be granted permits or licenses for one (1) year periods upon authorized inspection and approval of the Planning Commission whose approval shall be based on the requirements for special land use approval and the standards set forth below.
 - (1) The junkyard shall be located on a public arterial street, or equivalent major public street as defined in the adopted Village of Dundee Master Plan.
 - (2) Travel routes for trucks entering and leaving the junkyard shall be shown on a map of the Village at the time of application for the special land use permit. Such routes, except arterial streets or their equivalent, shall not pass through residential areas.
 - (3) The site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the junkyard, and the location and nature of equipment for such operations.
 - (4) Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.

- (5) Junk material shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect safety of visitors.
- (6) The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
- (7) The junkyard, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight line distance between lot lines, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, and shall not be open for business or otherwise operate on Sundays or legal federal holidays.
- (8) Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Village Fire Marshal or other designated fire official, the Zoning Enforcement Officer, and the County Health Department.
- (9) All flammable liquids contained in automobiles and other vehicles shall be drained immediately after such vehicles are brought to the junkyard. Such liquids are to be stored in containers approved by the Fire Chief or other designated fire officials.
- (10) All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered or chemically treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
- (11) There shall be not more than one (1) entrance way from each public street which adjoins the junkyard.
- (12) Fencing shall be required as follows:
 - a. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located at the required front setback line. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - b. Where the junkyard is adjacent to a rural or urban residence, or commercial district, a solid, screen type fence or wall seven (7) feet high shall be provided on any side or rear property line or portion thereby, adjoining such lots.
 - c. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.

- d. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted for any fence enclosing a junk yard.
- (13) Wrecking and processing operations are permitted in a junkyard but shall be described in the application for the special land use approval.

(e) Adult Entertainment Uses:

(1) Intent and Rationale. In the development and execution of this Article, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deteriorating and/or downgrading of the area, and that area adjacent thereto. These special regulations are itemized in this subsection. The Village believes that control or regulation is for the purpose of preventing a concentration of these uses in any one area, i.e., not more than one (1) such use within three thousand (3000) feet of another such use.

It is further recognized in the development of this subsection that the prohibition against the establishment of more than one (1) adult entertainment use within three thousand (3000) feet of each other serves to avoid the clustering of a blighted or deteriorated area frequented by vagrants, and the like; such prohibition further serves to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of Adult Entertainment Uses (as defined in this Chapter) immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of blight and devaluation of recreational, educational and/or religious uses.

It is further recognized in the development of this Ordinance and this Section that concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

- (2) Definitions. Uses shall be classified as Adult Entertainment Uses based upon the definitions for Adult Entertainment Uses contained in Article 2, Definitions.
- (3) Prohibition. Unless and until approval is first sought and obtained hereunder, it shall be unlawful to hereafter establish any Adult Entertainment Use (as defined herein). Such application for approval shall be reviewed in accordance with the provisions and standards of this section and Article 13, Special Land Uses, provided that the Special Land Use approval shall be granted by the Village Council based upon a recommendation by the Planning Commission following a public hearing.

(4) Requirements:

- a. The nearest point of any adult entertainment use building shall be at least three thousand (3,000) feet from the nearest property line of any of the following, except as provided in paragraph 5.b below:
 - 1. public, private or parochial school;
 - 2. library;
 - 3. park, playground or other recreational facility which admits minors;
 - 4. day-care center, or nursery schools;
 - 5. church, convent, monastery, synagogue, or other similar place of worship;
 - 6. any "Class C" establishment licensed by the Michigan Liquor Control Commission;
 - 7. specially designated dealers or specially designated merchant's establishments;
 - 8. pool or billiard halls;
 - 9. arcades:
 - 10. pawn shops;
 - 11. hotels, motels or bed and breakfast inns;
 - 12. dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to or admit minors;
 - 13. another existing or approved Adult Entertainment Use except as provided in 5.b below; and
 - 14. any residential zoning district.
- b. Such distance shall be measured along the centerline of the street between the two (2) fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the Adult Entertainment Use and from the contemplated location of the structure containing the Adult Entertainment Use nearest to a use listed in a above.
- c. The site and building of any Adult Entertainment Use shall be designed to meet the following standards:
 - 1. Maximum size of the building shall be five thousand (5,000) square feet of gross floor area.
 - 2. Building Architectural Design: Architectural design and materials must be compatible with the character of the surrounding area. Design compatibility includes complementary building style, form, size, color and materials. The erection of new structures shall not be grossly dissimilar (obviously different) to the exterior design and appearance of existing structures in the district or those found in the M-1 or M-2 District and surrounding area.
 - 3. Exterior Finish Material. Exterior finish material of all building facades, exclusive of window areas, shall consist of high quality building materials consistent with buildings in traditional urban

- environment, including brick or stone. Concrete masonry units may be permitted on the rear of the building upon approval by the Planning Commission.
- 4. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
- 5. Adult entertainment uses shall be located within a free standing building. A shared or common wall structure or shopping center is not considered to be a free standing building.
- 6. The building shall provide sufficient sound-adsorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
- 7. The Planning Commission shall determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
- 8. The sign(s) and exterior building color(s) shall be reviewed and approved by the Village Council.
- 9. The hours of operation shall be approved by the Village Council.
- 10. Access to the site shall be from a major thoroughfare.
- 11. Any Adult Entertainment Use which allows customers to remain on the premises while viewing live, filmed or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one (1) security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
- (5) Application and Review. Any person desiring to establish an Adult Entertainment Use shall submit an application for special land use approval in accordance with Article 13.
 - a. The Planning Commission shall conduct a public hearing and thereafter make a recommendation to the Village Council based on the following criteria:
 - 1. All locational and design requirements of this Section are met.
 - 2. The site layout and its relation to streets giving access to it, shall be such that vehicular and pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, endangered, or inconvenient to the neighborhood. In applying this standard the Village shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the general intensity of the existing and potential development of

- the neighborhood. The Village Council shall determine that the proposed use will not have a clear detrimental effect.
- 3. The proposed use will not clearly cause a nuisance, and/or harm the public health, safety and general welfare and/or an unreasonable diminution to the value of other property in the immediate area.
- 4. The application meets all standards for Special Land Uses contained in Article 13.
- b. The Village Council may waive the location provision requiring minimum distances between Adult Entertainment Uses and those uses identified in subsection (4)a. above, in accordance with the following:
 - 1. Location provisions may not be waived from any Residential District, public, private, or parochial school or church, convent, monastery, synagogue, or other similar place of worship
 - 2. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Chapter will be observed;
 - 3. The proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area;
 - 4. That all applicable regulations of this Chapter will be observed; and,
 - 5. There is no other reasonable location in the Village at which the use is suited.
- c. In accordance with subsection (4) above, it shall be unlawful to hereafter establish any entertainment use if the proposed entertainment use will be within a three thousand (3,000) foot radius of any single family residential zoning district, public, private, or parochial school or church, convent, monastery, synagogue, or other similar place of worship.
- d. Prior to granting a permit for any Adult Entertainment Use, the Village Council may impose any such conditions or limitations authorized by law in connection with the grant of special uses.
- (f) **Recreation Commercial.** In addition to the regulations set forth in this Article 9, all commercial recreation facilities shall conform to the following regulations:
 - (1) Indoor uses shall include but not be limited to the following: batting cages, bowling alleys, courts and fields for activities including football, baseball, soccer, tennis and basketball, driving ranges, go-carts, archery ranges, paint ball, laser tag, skating rings and arenas, swimming pools, athletic fitness clubs, dance studios and other similar uses as approved by the Planning Commission.
 - (2) Outdoor uses shall be limited to non-motorized recreational activities such as football, baseball, soccer, tennis and basketball, driving ranges, skating rinks, swimming pools, and other similar uses as approved by the Planning Commission.
 - (3) The expected traffic generated by such uses and proposed circulation pattern shall not impede the traffic flow of the surrounding uses.

- (4) The use must be located within eight hundred (800) feet of a public arterial street, or equivalent major public street as defined in the adopted Village of Dundee Master Plan.
- (5) The front, side and rear yard minimum building setbacks shall be fifty (50) feet.
- (6) Maximum height shall be thirty (30) feet. However, additional height may be allowed for inflatable or domed recreational facilities as approved by the Planning Commission.
- (7) No less than a one hundred (100) foot setback for buildings or parking areas shall be retained along all parcel perimeters abutting a residentially zoned or used parcel.
- (8) Building design and materials must be compatible with the existing or intended character of the surrounding area, as determined by the Planning Commission.
- (9) The hours of operations shall be limited to between 9:00 AM and midnight.
- (10) Outside storage shall be prohibited.

Section 9.03 Area and Size Requirements.

9.03.01 **Manufacturing Districts Schedule of Area and Bulk Requirements:** No building or structure, nor the enlargement of any building of structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| Table 9.02 Manufacturing Districts Schedule of Area and Bulk Requirements | | | | | | | | | | |
|--|--------------------------------------|----------------------|---------------|------------|-----------------------------|---------------------------|--------------|---------|---------------------|--------------|
| | Lot Requirements Building Height (c) | | | Height | Setback Requirements (a, b) | | | | | Max. Lot |
| Zoning Districts | Min. lot area | Min. lot width (ft.) | In stories | In feet | Front Yard | Side Yard | Rear Yard | Parking | Natural Features | Coverage (%) |
| M-1 | 30,000-sq.ft. | 150 | 2 | 30 | 40 | One Side: 20 Total: 40 | 40 | 10 | 25 | 85% |
| M-2 | 30,000-sq.ft. | 150 | 3 | 50 | 100 | One Side: 25 Total: 50 | 50 | 10 | 25 | 85% |

- 9.03.02 **Footnotes:** The following footnotes apply to Table 9.02:
 - (a) **Front yard setback for built-up streets.** Where an existing front setback has been established by existing buildings occupying forty (40) percent or more of the frontage within the same block, such established setback shall apply.
 - (b) Access drives in yards. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered structural violations of the required front or side yards.
 - (c) **Increased building height.** Upon demonstrating compliance with at least one (1) of the following scenarios, a property owner may construct a building which exceeds the maximum permitted height; however, under no circumstance shall the height exceed 50 feet within the M-1 district and 80 feet within the M-2 district.
 - (1) On-site landscaping is provided at no less than 1.5 times the amount required in Article 19.
 - (2) No less than 50% of the site is retained as open space with a permeable/landscaped coverage.
 - (3) The building materials are brick, stone, or comparable product.
 - (4) The structure demonstrates enhanced energy efficiency through the application of alternative energy sources, utilization of less energy consumptive materials, and the employment of construction techniques which result in a demonstratable reduction in the level of waste,

Section 9.04 Design Standards

- 9.04.01 **Architectural design and materials.** All buildings shall comply with the standards of Article 18, and Building Design Standards.
- 9.04.02 **Pedestrian Circulation:** Sidewalks and pathways shall be provided in accordance with the provisions of Section 3.25, Site: Non-Motorized Circulation.
- 9.04.03 **Off-Street Parking And Loading Requirements:** Parking and loading shall be provided in accordance with the provisions of Article 21, Off-Street Parking and Loading Standards.
- 9.04.04 **Signs:** All signs shall be in accordance with Article 22, Sign Standards.
- 9.04.05 **Landscaping and Buffering:** Submission of a landscape plan to the Planning Commission for review and approval shall be required, based on requirements set forth in Article 19, Landscape Standards.
- 9.04.06 **General Provisions:** All site plans shall comply with the requirements of Article 3, General Provisions, including regulations for covered trash receptacles.
- 9.04.07 **Site Lighting:** All site plans shall comply with the requirements of Article 20, Lighting Standards.